

# THE RIGHT TO EDUCATION ACT, 2009

A Primer



EDUCATE, AGITATE, ORGANISE

RIGHT TO FOOD CAMPAIGN, 2016

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# The Right to Education Act 2009

A Primer on

September 2016





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# **Foreword**

This booklet is part of a series of Primers prepared for the 6th National Convention on the Right to Food and Work (Ranchi, 23-25 September 2016). The purpose of these Primers is to help you to know your rights and how to defend them.

The Primers focus on different economic and social rights, including the right to information, the right to food, the right to work, forest rights, children's rights, the right to education, and more. They are written in simple language, for a wide audience.

The Primers are action-oriented: it is hoped that they will be used in collective struggles for social and economic rights. For further information as well as ideas for action, please take a look at the website of the Right to Food Campaign ([righttofoodcampaign.in](http://righttofoodcampaign.in)). To order copies of these primers, please contact the secretariat of the campaign.

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***“Education is the most powerful weapon  
to change the world”***

Nelson Mandela

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## A. INTRODUCTION

In 1817, Lakshmi Rani, the fifteen-year old Queen of Travancore (erstwhile princely state in Kerala) issued a Royal Rescript on Education. For the first time in India, this Rescript proclaimed the state's commitment to universal education. It declared that Travancore would support every child's schooling expenses and pay for two teachers in every primary school.

Ninety years later, the neighbouring princely state of Cochin introduced free primary education for girls and lower castes - their enrolments tripled in two decades. In the forties, both Cochin and Travancore also pioneered school meals, which were expanded to all students after the end of the British Raj.

The Indian Constitution, however, did not include education as a “fundamental right” of all children. This is why, in the 1990s, a decade-long movement emerged to demand a constitutional amendment guaranteeing free and universal education. About 70,000 people from 15 states marched in Delhi on the day Parliament passed this historic amendment. But it took another seven years for the Parliament to finally enact the Right of Children to Free and Compulsory Education Act 2009, also known as Right to Education (RTE) Act.

So now, finally, every child in the age group of six to fourteen years has the right to free and compulsory education. This implies that the state guarantees that their education will be free for the entire duration of “elementary education” from first to eighth standard.

While the Act does not entirely embrace the concept of a “common schooling system” (that is, a system where all children study in neighbourhood schools funded by the government), it does regulate both government and private schools. The government also has to ensure the availability of a neighbourhood school for all children within 1 km of their home at the primary level (grade 1 to 5) and within 3 km at the upper primary level (grade 6 to 8).

For the first time, the Act has also initiated some far-reaching bans with stiff penalties to regulate and improve the quality of education. The Act prohibits retrograde practices such as corporal punishment, board examinations and private tuition by teachers. These restrictions are applicable to both government and private schools.

The Act also has other path-breaking clauses. It specifies minimum quality norms for every school, defines “free” beyond tuition fees, lays a heavy emphasis on inclusive education and designates an external constitutional body as an ombudsman to monitor the implementation of the Act.

The bare act of the law, guidelines and rules can be downloaded from: [www.mhrd.gov.in/rte\\_rules](http://www.mhrd.gov.in/rte_rules)

## B. COVERAGE

The Right to Education Act guarantees “free” elementary education to all children between 6 and 14 years in “neighbourhood” schools within 1 kilometer (for class 1-5) and 3 kms (for class 6 to 8).

### 1. What does “Right to Education” really mean?

Every child has rights. The right to education is one of the most widely recognized human rights. About 135 countries have passed a law guaranteeing children their right to education.

Initially, under the Indian constitution (Article 45), free and compulsory education was just a “Directive Principle” of state policy. In 2002, however, the 86th Constitutional Amendment was passed which made elementary education a justiciable “fundamental right”. As stated in Article 21A: “The State shall provide free and compulsory education to all children of the age group of six to fourteen years in such manner as the State may, by law, determine”.

Seven years later, the Indian Parliament finally enacted a law to enforce this fundamental right – the Right of Children to Free and Compulsory Education Act, 2009. Under this Act, it is the responsibility of the government to provide free education to all children between 6 and 14 years of age irrespective of caste, class, gender, creed or religion. Parents also have the duty to admit their children in a “neighbourhood school”.

This Right to Education Act has some pioneering provisions. Nevertheless, many civil society demands remain unfulfilled. For example, the Act does not cover the right to education of children under the age of 6 years or above 14 years. Further, the Act does not guarantee the provision of basic learning material such as free textbooks at the start of the academic year. Most crucially, the scores of children living and working on the streets in cities, towns and villages across India are a testimony to the weak implementation of the law.

## **2. Is the Act applicable across India?**

Yes, except in Jammu and Kashmir. The Act came into force on 1 April 2010 and most of its provisions were to be implemented within 3 years. Later, the Government set 31 March 2015 as a final deadline for full compliance with the law.

As per Article 254 of the Constitution, all existing state education laws have been superseded by this central Act. State governments can issue guidelines and rules, but not separate laws. Amendments to the Central Act require Presidential assent.

Recently, Rajasthan attempted to amend some clauses in the Act through its State Legislative Assembly. However, the Ministry of Human Resources Development raised serious objections and the amendments are unlikely to receive Presidential approval.

### **3. Are all schools covered under the Act?**

Yes. Most provisions of the Act apply to all types of schools – those run by the government, private entities, non-government organizations (NGOs) and even religious institutions.

First, the Act specifies that all government schools must provide free education to all children within the “neighbourhood”.

Second, the Act specifies that all private schools (even if they do not receive any aid from the government) must reserve at least 25 per cent of seats at the entry level (pre-primary or class one) for free education of underprivileged students.

Third, specified categories of schools such as *Kendriya Vidyalayas*, *Navodyayas* and *Sainik Schools* are also expected to comply with all the provisions of the Act.

Fourth, only private unaided linguistic and religious “minority” institutions are exempt from the 25 per cent quota, based on a Supreme Court judgment of April 2012. But in August 2016, the government announced that it plans to bring the country’s 50 Vedic schools and 40,000 Madrasas under the ambit of the Act to ensure that they can at least benefit from mid-day meals and free books.

Fifth, government-aided private schools must also reserve seats for underprivileged students – at least 25 per cent, increased to the extent that they receive government aid. For example, if a missionary or NGO school receives government aid up to 80 per cent of its teacher salaries and recurring costs, then it will have

to provide free education to at least 80 per cent of children at the entry level.

Lastly, if a private school has received subsidised land or other benefits from the government then it will have to conform to all the aspects of the Act. In addition, based on its specific Memorandum of Understanding (MOU) with the government it may be obliged to admit a pre-determined number of underprivileged children for free, over and above the 25 per cent quota.

All covered schools are also expected to fulfil certain minimum “norms and standards” as specified in the schedule of the Act, described in the next two sections.

#### **4. What does “free and compulsory” education imply?**

The preamble of the Act lucidly states that “compulsory” education has a broad definition. The appropriate government has an overarching responsibility “to ensure the admission, attendance and completion of elementary education of every child”.

The Act also defines “free” in a holistic manner. It states that, “no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing the elementary education.” So apart from banning tuition fees, this could include books, uniforms, transportation and other schooling expenses. At least in theory it clearly implies that if, say, a girl from a poor family is unable to study

due to poor eyesight, then the government is obliged to pay for her spectacles.

## 5. Does the Act support inclusive education?

Certainly. The RTE Act strongly supports inclusive education – including of differently-abled children.

The law relies on the Persons with Disabilities (PWD) Act 1996 to define differently-abled children. A new version of this PWD law may be tabled soon in Parliament. But even the 1996 law aims to “ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years (sic).” This goes beyond the RTE Act, which only covers children till the age of 14 years.



The PwD Act adopts a three pronged-approach. First, it aims to “promote the integration of students with disabilities in the normal schools”. Second, it also supports the “setting up of special schools in government and private sector for those in need of special education”. Third, for children unable to study full-time, it seeks to provide “part-time” or “non-formal” classes, if necessary, through “electronic or other media”.

More importantly, the PwD guarantees, “...providing every child with disability free of cost special books and equipments needed for his education (sic)”. It also requires the government to arrange for transport facilities or financial incentives, removal of architectural barriers, supply of books and uniforms, scholarships, grievance redressal mechanisms, modification of the examination system, and even restructuring of the curriculum if need be.

The state rules of the RTE Act itself include various provisions for differently abled children. For instance, Kerala has set aside Rs 3,000 per year for each differently-abled child for special teaching-learning equipment apart from other provisions such as free transport and teacher training. If you are interested in this issue, make sure to consult the state-specific rules.

The RTE Act also insists that all schools – public or private – should have all-weather buildings with barrier-free access. In Andhra Pradesh, the rules also mandate that all regular teachers should also be trained in teaching methods for children with special needs.

## **6. What about street children and child labourers?**

Under the RTE Act, the government declares its responsibility to ensure that every child is in school. The Act also insists that no child should be denied admission for lack of age proof.

Further, it also obligates schools to provide “special training” to children above 6 years of age who have either never been to school or have dropped-out to ensure that they are integrated in age-appropriate classes. This includes street children and child labourers.

For example, an 8-year-old child labourer can be enrolled in a school even if she has never seen the inside of a classroom. It is then the school and the appropriate government’s responsibility to provide her special, remedial bridge classes, within the school premises, with fast-tracked learning, till she is ready to join grade 2.

## **7. What about children below the age of 6 years?**

The original Article 45 of the Constitution’s Directive Principles had supported education “up to 14 years”. But when the 86<sup>th</sup> Constitutional Amendment made education a fundamental right, the new Article 21A restricted the age group from 6 to 14 years.

The RTE Act, too, only guarantees the education of all children in the age of six to fourteen years from first standard to eighth standard. Despite civil society demands, the age group of 0-6 years has been denied education as a fundamental right under the Constitution and the law.

However, an important Supreme Court order of December 2006 states that all children under the age of six years are entitled to all the services provided under the Integrated Child Development Services (ICDS) through *anganwadis*. These include not only supplementary nutrition and health care, but also pre-school education. To this limited extent, the right to education of children below the age of six years has been recognised as a legal right.

For further information on *anganwadis*, see the companion primer on ICDS prepared by the right to food campaign.

The only explicit reference to pre-primary education in the RTE Act applies to private schools. It states that if private schools begin classes at the pre-primary level, then the 25 per cent quota for underprivileged children applies at this entry level.

## **8. What is this 25 per cent quota of free seats in private schools?**

Section 12 of the Act insists that all private schools reserve 25 per cent of seats at the entry level (pre-primary or class 1) each year for the free education of underprivileged children. Eligible children are divided into two categories: children from economically weaker sections (EWS) and socially disadvantaged communities. Each state government in its rules or guidelines defines which children are eligible (see Appendix). The government will reimburse the schools for these admissions.

Many states have adopted the Ministry of Human Resource

Development's "Model Rules" which explicitly state that under this quota, "children admitted ... shall not be segregated from the other children in the classrooms". The rules of many state governments also specify that underprivileged children must "not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities", and many specify the free entitlements that enrolled children are eligible to receive (see Appendix). These additional expenses are also supposed to be reimbursed by the government.

For admission to these reserved free seats, some state governments have adopted a centralized system. In these states (e.g. Delhi, Karnataka, Rajasthan, Madhya Pradesh and Maharashtra), children must apply online for their free seats. Other states specify that hard-copy applications should be made directly, either to "neighbourhood" schools or the Education department – who can then select children by a transparent lottery.

Private schools, however, have resisted this provision of the Act. A report co-authored by IIM Ahmedabad in 2016 estimates that, out of at least 1 million free seats available for underprivileged children under this quota each year, 85 per cent are presently empty.

For further details on the application procedure, please visit the respective official websites of the state governments or [www.25percent.in](http://www.25percent.in)

## **Before they sold balloons at traffic signals.**

## **Now they study in a ‘big’ school**

A sincere block education officer Nagarathnamma D spotted an opportunity. During an ‘out-of-school children’ survey she found 22 children living and selling balloons at traffic signals with their parents in Bengaluru. They were from a nomadic tribe from Madhya Pradesh.

She first organized a bridge course for them in tent schools. “Their parents were very reluctant, but the children were eager to study. So, we enrolled them in private schools under the reservation quota and have made arrangements for them to stay in the government school,” she said.

Sadiq Pasha, appointed as their warden-cum-auto driver, swells with pride. He cannot stop praising the children and the English words they have picked up. “They did not even know how to hold a pencil when they first came. Look at their handwriting now,” he says.

Jayanthi, mother of two girls who also takes care of all the children beams, “Initially, we did not think this arrangement would work. But now I know my children do not deserve to sell balloons any longer. When I had to enrol my children to school, I had to put my thumb impression. I want my daughters to study and do all that I could not do.”

*Source: Condensed from a report by Tanu Kulkarni in the Hindu: “They sleep and eat in a govt. school, but study in ‘big’ private school (27 December 2014)”*

## 9. How will the Act be funded?

Perhaps you have noticed that every time you pay a computerized bill (e.g. to buy a mobile phone), the government charges two cesses. They are called *Prathamik Shiksha Kosh* (Primary Education Fund) and *Madhyamik Shiksha Kosh* (Secondary Education Fund). The rates are 2 per cent and 1 per cent respectively. The government levies these two taxes in addition to existing taxes to fund elementary education.

Despite these funds being non-lapsable (i.e. any unspent funds are carried over to the next year), 28 per cent of the money collected through the education cesses in the last decade has not been spent.

Even with these additional inflows, the Indian government is yet to achieve the official target of 6 per cent for public expenditure on education as a proportion of GDP – a modest target, exceeded in many other countries. In fact, in the last decade India has never spent more than 4 per cent of GDP on education. Teacher salaries absorb almost 80 per cent of education expenditure, which leaves little for infrastructure, maintenance or teaching aids. Further, it is estimated that there are about 0.6 million teacher vacancies across the country.

The Ministry of Human Resource Development initially estimated that in the first five years Rs 2.33 lakh crores (i.e. Rs 46,000 crore per year) would be needed to implement the Right to Education Act, including filling teacher vacancies.

Education is a “concurrent” subject, for which Centre and States

are jointly responsible. Under the Act, initially 65 per cent of the required funds were expected from the Centre and 35 per cent from the States. A gradual move towards equal sharing over five years was proposed. However, many states are cash-strapped, so in 2015-6 the Centre-States shares were revised to 60-40. The 8 North-Eastern states and 2 Himalayan states (Himachal Pradesh and Uttarakhand) enjoy a 90:10 ratio, while the Act is fully funded by the Central government in all Union Territories. The Act also mentions that the Finance Commission can directly sanction additional money to any impoverished State.

## C. SCHOOL

The Right to Education Act specifies minimum norms and standards for all schools – including government and private. The Right to Education Act specifies minimum norms and standards for all schools – including government and private.

### 10. What is the minimum infrastructure for each school?

The Act specifies the minimum infrastructure norms and standards expected in every school.

The District Information System for Education (DISE) dataset for 2014-5, based on reports from more than 1.45 million schools across India, shows that 99% of schools have a building, 96% drinking water provision, 76% a ramp and 61% a playground (see Table 1). However, independent investigations suggest that these figures are exaggerated.

Many urban schools have complained that it is impossible for

them to fulfil some of these norms, e.g. find enough space for a playground. In a guideline issued on 26 October 2012, the Ministry clarified that it is not essential for every school to have its own playground. Arrangements can also be with adjoining playgrounds, municipal parks etc.

**Table 1: Minimum Infrastructure Norms and Standards for Each School**

| Minimum infrastructure | Specifications                              | DISE 2014-5 (% of schools) |
|------------------------|---|----------------------------|
| Building               | All-weather building                        | 99                         |
| Classrooms             | 1 for every teacher                         | -                          |
| Office-cum-store       | 1 office-cum-store-cum-headteacher's room   | 64                         |
| Barrier-free access    | Ramp and other aids                         | 77                         |
| Toilets                | Separate for boys and girls                 | Boys: 87<br>Girls: 93      |
| Drinking water         | Safe and adequate facility for all children | 96                         |
| Kitchen                | Where mid-day meals are cooked              | 60                         |
| Playground             |   | 58                         |
| Boundary wall          | To secure the school building or fencing    | 64                         |

## **11. What if a school does not have a certificate of recognition?**

Under the Act, all schools other than government schools are expected to apply for and obtain a certificate of recognition from the appropriate government (Section 18). For this, it is essential

that the schools fulfil all the norms and standards specified in the Act.

Schools created before the commencement of the Act were given a period of three years to upgrade their facilities at their own expense for this purpose.

| BAN   |  | PENALTY  |
|---|--|--|
| No school, which fails to meet the minimum norms and standards, shall receive official recognition and must cease to function | <b>NO<br/>UNRECOGNISED<br/>SCHOOLS</b> | Fine of Rs 1 lakh at the first instance and Rs 10,000 for each day thereafter that the unrecognized school continues to function |

The Act bans all unrecognized schools. It also imposes a stiff penalty. Any school that operates without a certificate would have to pay a fine of Rs 1 lakh in the first instance and Rs 10,000 per day after that if the contravention continues.

Many low-cost private schools have protested that it is impossible for them to adhere to these norms. There is also speculation that several schools nationwide have been asked to close down for being unable to fulfil these norms. But a 2015 survey by Azim Premji University exposes this myth. It found that across 69 districts in 7 states, which collectively have 34,756 private schools, only 5 have actually been closed for non-compliance with RTE norms.

## **12. What are the minimum learning materials for each school?**

In theory, the Act adopts a generous view on the supply of learning materials in schools. It simply states that all necessary teaching, learning and play material as well as games and sports equipment should be provided to each class as and when required. It also requires every school to have a library with newspapers, magazines and books on all subjects, including storybooks.

The DISE school reports suggest that 82 per cent of government schools across India have a library. In reality, they are often in disrepair or locked.

## **13. Can a school conduct an admission test or interview?**

The Act bans all admission “screening procedures” (Section 13). Even in private schools, it prohibits *any* method of selection where a child is given preference over another. Parents or guardians can also not be interviewed. The Guidelines issued by the Ministry on 23 November 2010 further spell out that “there shall be no testing and interviews for any child/parent”. Only random selection through lotteries is allowed, if there are more applications than seats in a school. Here again, there are stiff penalties for violating the Act.

In 2010, the National Commission for Protection of Child Rights (NCPRC) even pulled up the Delhi government for charging Rs 25 for application forms to apply for the popular *Rajkiya Pratibha Vikas Vidyalayas*.

## **Learning from India's Poorer Neighbours**

India's continued neglect of mass education stands in contrast to her poorer neighbours, Bangladesh and Nepal. This commitment shows in classrooms. For starters, in Bangladesh and Nepal, all school children sit on benches, not on the floor.

### **National Textbook Day**

In Bangladesh, 1st January is National Textbook Day. On this first day of the academic year, teachers across the country distribute free textbooks to students. In the difficult hilly terrain of Nepal, teachers personally collect the books from the local education office to distribute them in time. On the other hand, across large parts of India textbooks are delayed by months.

### **Multiplication on the Walls**

The Bangladeshi education department provides a set of 50-100 charts to each school made of flex or wrapped in plastic. In Nepal, too, every school receives a series of customized charts. But many schools have an even better practice. They paint the walls with bi-lingual alphabets, multiplication tables, calendar months etc. Since children sit in the classroom for more than 200 days in a year, there are more likely to remember what they see etched on the walls.

### **'Little Doctors'**

Bangladesh has an innovative programme called "Little Doctors" adopted from Japanese classrooms. Twice a year, children wear white medical coats. They test each other's height, weight and eyesight with a simple alphabet chart. Children found deficient are helped to obtain spectacles, eat healthy etc.

### **Absenteeism**

Every time a child is absent from a school for more than 3 days, a Bangladeshi teacher visits his/her home. The teacher then has to submit a form to the local education office explaining the reasons for absence. This is strictly monitored. If teachers need leave, they too have to take written permission in advance from their superiors.

*Source: Excerpts from doctoral field notes (Swati Narayan, February to July 2016).*

## **14. Can a school deny admission to a child?**

No neighbourhood government school can deny a child admission. Ideally a child should be admitted at the start of the academic year. But even if a child applies at a later date, he/she cannot be denied admission in a neighbourhood government school (Section 15). Even if a child is more than 6 years old, he/she can be enrolled in an age-appropriate class.

If they have insufficient seats, private schools can turn away children. However, all admissions must be clearly done through a random selection procedure such as a transparent draw of lots, without bias.

Often children are denied admission for lack of documents. This is illegal. The Act even states that “no child shall be denied admission in a school for lack of age proof (Section 14).” The model rules also clarify that in the absence of a regular birth certificate, a certificate from a nurse or *anganwadi* worker, or an affidavit from the parents or guardians would suffice. Even if none of these are available, a child can still be admitted and the necessary documents prepared within 3-6 months.

| BAN  | NO<br>ADMISSION<br>SCREENING | PENALTY   |
|--|------------------------------|---|
| No school is allowed to test or interview children/parents for admission selection |                              | Fine up to Rs. 25,000 the first time and Rs 50,000 thereafter |

## **15. Can a school ask for “donations”?**

Absolutely not. In all schools, the Act bans all capitation fees, i.e. any kind of lump-sum donation, contribution or payment, other than the notified fees of private schools (Section 13). Any school found to be charging illegal donations “shall be punishable with fine which may extend to ten times the capitation fee charged.”

| BAN   | NO<br>DONATIONS<br>OR<br>CAPITATION FEES | PENALTY                               |
|---|--|---------------------------------------|
| No school can charge any “donations” or capitation fees |  | Up to 10 times the “donation” charged |

If you know of any school that attempts to break the law, you can lodge a complaint with the education authorities (e.g. education inspector in urban areas and Block Education Officer in rural areas). They have to form a disciplinary committee and the school will have to defend to its actions. If guilty, they will have to pay the fine.

It is often difficult to catch the schools red-handed. For illegal charges, schools often provide no receipts. Yet, some schools have been caught. In 2012, the Durg district administration fined two private schools in Chhattisgarh more than Rs 114 crore, as they had attempted to charge more than Rs 11 crore in capitation fees. Earlier, in 2010, the NCPCR reprimanded government-run schools in Haryana for collecting more than Rs 10 crore from students for an inexplicable “development fund”. The schools had to refund the entire amount.

## **16. Can a school expel a child or make him/her repeat a year?**

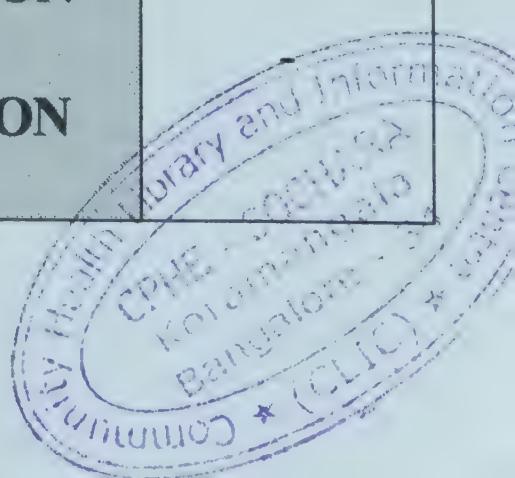
No. The Act prevents any school, governmental or private, from expelling any child or make him/her repeat a year till class 8 (Section 16). On 7 April 2010, the Delhi High Court ruled against St. Xavier's School, which had to take back all the children it had expelled.

According to the Supreme Court (in a 2012 judgment), “the idea is that failing a child is an unjust mortification of the child personality, too young to face the failure in life in his or her early stages of education.”

The Act also states that “no child shall be required to pass any Board examination till completion of elementary education” (Section 30). Even before the Act was promulgated, as many as 28 states followed a similar policy, if only at the primary level.

Lack of success in examinations is often due to poor teaching in the classroom, especially for first-generation learners. But examinations largely penalize students instead of teachers. No international research proves that repetition, or the fear of repetition, makes a child learn better. On the contrary, the academic and social stigma may prove irreparable.

| BAN   | <b>NO<br/>REPITITION<br/>OR<br/>EXPULSION</b> | PENALTY |
|---|---|---------|
| No child can be made to repeat any class, be expelled or have to pass a Board Exam till class 8 |   |         |



Some state governments, notably Rajasthan, have attempted to amend this “no detention” rule. The state legislative assembly passed a proviso that, “provided that if a child has not achieved class-appropriate learning level in a class, he may be held back in that class.” However, as we saw, the HRD Ministry objects to unilateral attempts by state governments to supersede the Act, and this amendment is unlikely to receive Presidential assent.

Recently, 18 states have also asked the Centre to repeal the no-detention policy, with only 4 in its favour. The Ministry is likely to review this policy.

Many critics have argued that automatic promotion lowers the quality of education. But as per the Act, the no-detention policy was to go hand-in-hand with Continuous and Comprehensive Evaluation (CCE) (Section 29). CCE evaluates and monitors every aspect of a child’s learning continuously within the classroom through periodic class tests, activities and other means rather than year-end examinations. Unfortunately, though CCE is mandatory, few states (apart from some progressive states like Tamil Nadu, Kerala, Karnataka and Andhra Pradesh) have implemented CCE in letter and spirit.

## **17. Can a child be transferred to another school?**

Yes. The Act gives every child a right to seek transfer from one government school to another, either within a State or outside (Section 5). It also insists that schools immediately issue transfer certificate to such children on request. If there is any delay or foot-dragging in issuing the transfer certificate, the school is liable for disciplinary action.

## **18. Does every school need a School Management Committee?**

The Act states that all government, aided and special-category schools should form school management committees (SMCs). The Act does not mandate SMCs in private schools. In schools run by minority institutions, it expects them to play an advisory role only.

The Act requires three-fourth of SMC members to be parents or guardians, with proportionate representation from weaker sections and disadvantaged communities (Section 21). Further, SMCs should include teachers and elected representatives of the local authority. The model rules also prescribe that 50 per cent of SMC members should be women and that the Chair and Vice Chairpersons should be parents. It also recommends that the SMC should meet at least once a month and that the minutes of its meetings should be made public.

## **19. What is a School Development Plan?**

Every SMC is supposed to prepare a three-year school development plan with three annual sub-plans (Section 22). The plan is expected to include projections for teacher requirements based on student strength, outline infrastructure and material needs, and estimate necessary budgets. The plan would be the basis for the provision of grants to the school by the government. This is expected to mark a shift towards decentralized, bottom-up budget planning.

## **Duties of School Management Committees**

The expected roles of the SMC defined under the Act are:

- Monitor Schools:** Monitor the working of the school
- Plan School Development:** Prepare and recommend the school development plan
- Supervise Grants:** Monitor the utilization of grants received

In addition, most state rules mention that the SMC must fulfil these tasks:

- Spread Awareness:** Communicate to the local population the rights of the child and roles of State Government, local authority, school and parents
- Oversee Teachers:** Ensure regularity and punctuality of the teachers' attendance
- Support Students:** Ensure enrolment and continued attendance of all the children from the neighbourhood
- Monitor Entitlements:** Bring to notice of the local authority any violation of rights of the child, in particular physical and mental harassment of children, denial of admission and timely provision of the free entitlements.
- Support Special Needs:** Monitor the identification and enrolment of, and facilities for learning by children with special needs and ensure their participation and completion of the elementary education.
- Maintain Standards:** Monitor maintenance of the norms and standards in the school, as prescribed in the Schedule in the Act.
- Special Training:** Identify children who need age-appropriate special training and ensure that it is imparted in the school premises or safe residential facilities

## **20. What about cooked mid-day meals?**

On 28 November 2011, the Supreme Court directed all government and government-assisted primary schools to provide cooked midday meals. Today, India feeds around 120 million school children each day – the largest school meal programme in the world.



The National Food Security Act 2013 (NFSA) now recognises midday meals as a legal entitlement of school children up to class 8: all government, government-aided and local body managed schools have to provide a hot, cooked mid-day meal.

The NFSA also specifies that each school should have facilities for cooking meals, drinking water and sanitation. Only in urban areas centralised kitchens may be employed if necessary.

The NFSA also specifies the minimum calorie norms that each school meal should contain. Further, many state governments are now providing eggs, milk or other nutritional supplements with the mid-day meal. Tamil Nadu, for example, has an impressive menu with eggs served 5 days a week.

For further information on mid-day meals, and ideas for action, see the companion Primer on Midday-Day Meals prepared by the right to food campaign.

## D. TEACHERS AND CURRICULUM

The Right to Education Act specifies that in any classroom there should be one teacher for every 35 students (grades 6-8) or 40 students (grades 1-5). Teacher vacancies cannot exceed 10 per cent in any school.

### 21. What is the minimum number of teachers sanctioned in each school?

The schedule of the Act specifies the norms and standards that all schools must fulfil. These include the minimum number of teachers. In primary classes, there should be at least one teacher for every 40 students. Schools with more than 150 students up to class 5 are also expected to have a head teacher.

In classes 6 to 8, there should be 1 teacher for every 35 students.

If there are more than 100 students, an additional head teacher must be appointed. Upper-primary classes must also have subject-wise specialist teachers – see Table 2 below.

**Table 2: Minimum Number of Teachers in Each School**

| Class 1-5 | Number of Pupils | Number of Teachers   |
|-----------|------------------|--|
|           | Up to 60         | 2  |
|           | 61 - 90          | 3  |
|           | 91 - 120         | 4  |
|           | 121 - 200        | 5  |
|           | More than 150    | + 1 head teacher   |
|           | More than 200    | Pupil: teacher ratio (excluding head teacher) less than 40   |
| Class 6-8 | Less than 100    | 1 teacher for every 35 children<br>+ 1 teacher each for:<br>i) Science and Mathematics<br>ii) Social Sciences<br>iii) Languages                          |
|           | More than 100    | Same as above<br>+ 1 full-time head teacher<br>+ Part-time teachers for:<br>i) Art Education<br>ii) Health and Physical Education<br>iii) Work Education |

The Act sets out a stiff deadline of six months for government schools to fill teacher vacancies as per the minimum pupil-teacher ratio (Sections 25 and 26). For private schools, the deadline was 1st April 2013 (three years from the notification of the Act).

Before the Act came into force, there was an estimated 0.5 million teacher vacancies. Further, over 0.9 million teachers in state-run government schools were under-qualified.

Now, as per the Act, teacher vacancies cannot exceed 10 per cent in every school based on the prescribed pupil-teacher ratios. But the reality of mammoth teacher vacancies remains across India. For example, Haryana's educationally backward Mewat district has half the teachers it needs. Few teachers are willing to relocate there. An August 2016 report tabled in Parliament by the Ministry of Human Resource Development also revealed that 0.1 million schools are staffed by only a single teacher.

## **22. What are the minimum qualifications expected of a teacher?**

The Act requires the central government to authorize an academic authority to lay down norms for teacher appointments. So the National Council for Teacher Education (NCTE) has spelled out the minimum academic and professional qualifications.



## **Minimum Teacher Qualifications\***

### **Grade 1-5**

- Senior Secondary (or its equivalent)
- 2 year diploma in Elementary/Special Education with atleast 50% marks or 4 years Bachelor of Elementary Education (B. El.Ed)
- Teacher Eligibility Test (TET)

**OR**

- B.A/B.Sc with at least 50% marks and B.Ed qualification
- Teacher Eligibility Test (TET)
- 6 month training in Elementary Education after appointment

### **Grade 6-8**

- B.A/B.Sc with atleast 50% marks
- 2 year diploma in Elementary/Special Education or 1 year Bachelor in Education (B.Ed) or 1 year B.Ed (Special Education)
- Teacher Eligibility Test (TET)
- Senior Secondary with atleast 50% marks
- 4 year Bachelor of Elementary Education (B. El.Ed) or 4 year BA/B.Sc. Ed or B.A.Ed./B.Sc. Ed.
- Teacher Eligibility Test (TET)

After appointment, teachers with D.Ed (Special Education) or B.Ed (Special Education) degrees have to undergo a 6-month training in Elementary Education

\* Applicable to teachers appointed after 3rd September 2001

## **23. What are the responsibilities of teachers?**

The RTE Act states that all teachers have the following responsibilities:

Disciplinary action can be initiated against a teacher who does not fulfil these responsibilities under the applicable service rules. However, such teachers have to be given a reasonable opportunity to be heard and their grievances, if any, must be addressed.

The Act categorically states that no teacher can be made to serve in any other school or office or deployed for any non-educational purpose, except for “decennial population census, disaster relief duties or duties relating to elections (Section 27).”

### **Responsibility of Teachers**

- Be Punctual:** Maintain regularity and punctuality in attending school
- Finish Curriculum:** Complete the curriculum within the specified time
- Ensure Learning:** Assess the learning ability of each child and provide supplementary instructions, if necessary
- Inform Parents:** Hold regular meetings with guardians to apprise them about the regularity in attendance, ability and progress made in learning and other relevant information about each child
- Other Duties:** Perform any other duties as prescribed for example, tasting the mid-day meals before they are served to children

## **24. Are teachers banned from private tuitions?**

Yes. All teachers are banned from private tuitions, as it is a clear conflict of interest (Section 28). This applies to private, government and all other types of schools.

Any teacher who is found to be violating this important ban can, after an enquiry, be subjected to disciplinary action as per the teacher's service rules.

| BAN  |                            | PENALTY  |
|--|----------------------------|--|
| No teacher is allowed to take private tuitions | <b>NO PRIVATE TUITIONS</b> | Disciplinary action as per teacher's service rules |

## **25. What if a teacher hits or mentally harasses a child?**

The RTE Act, for the first time, explicitly bans “physical punishment or mental harassment” in all schools (Section 17). It helps India join half the world’s countries, which prohibit any form of corporal punishment in schools.

The Act does not specify any punishment for the teacher apart from those specified in his/her service rules. However, the Central Board of Secondary Education (CBSE) empowers SMCs in all its affiliated schools to suspend a teacher, if charged with cruelty towards a student.

Further, the Indian Penal Code has several legal provisions, which can be used for all cases of severe corporal punishment.

These include Section 305 (abetment of suicide committed by a child), Section 323 (voluntarily causing hurt), Section 325 (voluntarily causing grievous hurt), Section 354 (outraging the modesty of a woman or a girl), Section 376 (rape), Section 506 (sodomy or unnatural offences) and Section 506 (criminal intimidation).<sup>1</sup> All these offences are punishable with stiff imprisonment and fines.

If relevant, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 can also be invoked. This law even protects against verbal abuses and imposes a jail term of at least one year for any public servant including teachers in government schools. If a child is harmed in a juvenile institution or foster care, the Juvenile Justice (Care and Protection of Children) Act (2015) can be invoked.

For further information on grievance redressal processes, see the last two sections of this primer.

## **26. What are the minimum instruction hours under the Act?**

The Act specifies the minimum working days and instruction hours per academic year. This translates into 4 hours per day for primary classes and 4.5 hours for upper-primary classes.

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<sup>1</sup> Source: The code of Criminal Procedure 1973, as amended by The Code of Criminal Procedure (amendment) Act 2001, with state amendments.



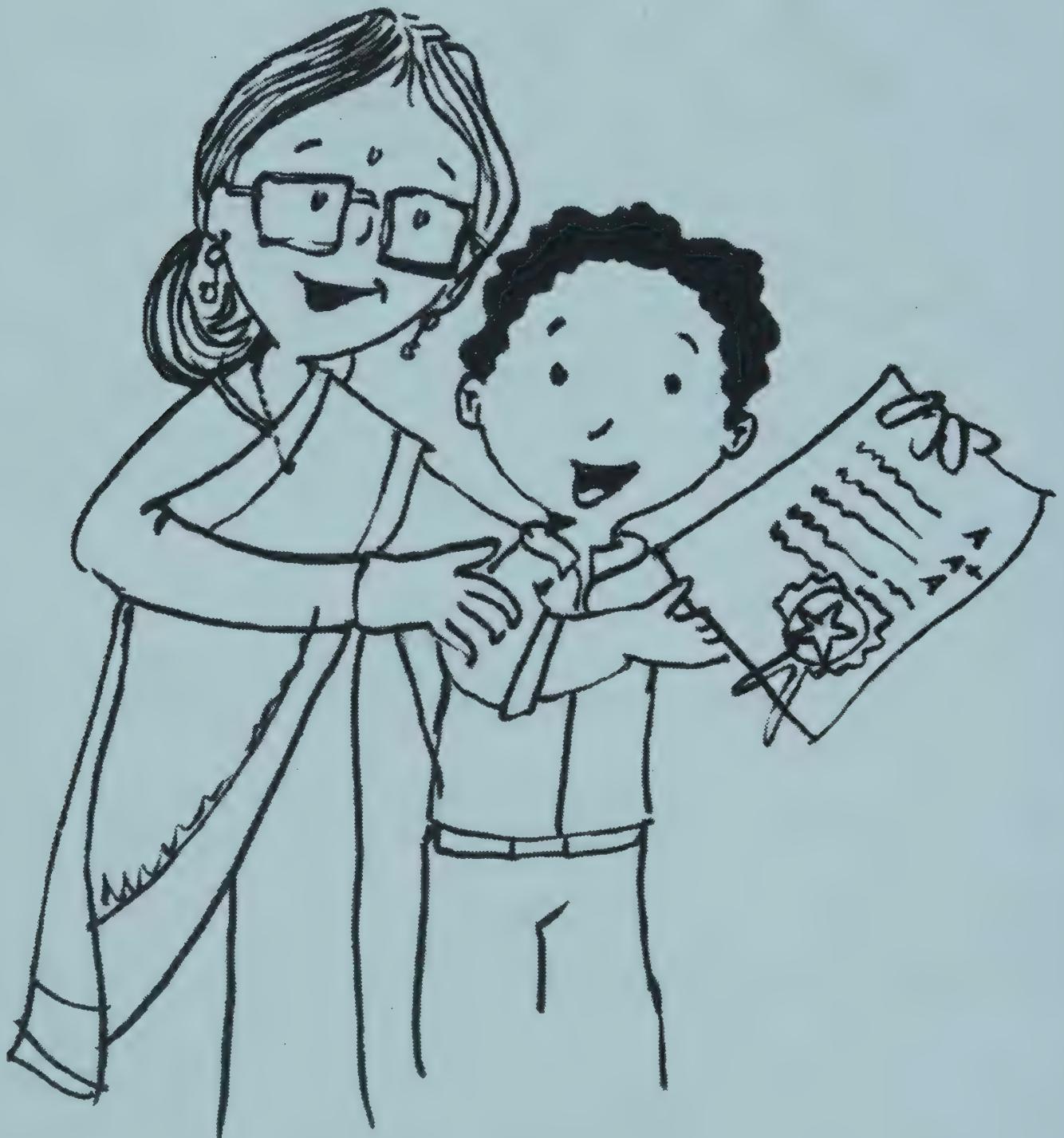
**Table 3: Minimum Instruction Hours and Days**

|           | Working Days per Academic Year | Instruction Hours Per Day |
|-----------|--------------------------------|---------------------------|
| Class 1-5 | 200                            | 4                         |
| Class 6-8 | 220                            | 4.5                       |

The low number of prescribed teaching hours is a criticism of the Act. A primary school child is expected to receive only a minimum of 800 hours of teaching per year. This is perhaps one of the reasons for abysmal learning outcomes in Indian schools. In contrast, the minimum instruction hours in Australia and Columbia are 1000, United States 967 and Mexico 900.

## 27. What is Continuous and Comprehensive Evaluation?

Continuous and Comprehensive Evaluation (CCE) is supposed to be a hallmark of the law. It represents a paradigm shift from rote learning to joyful and child-friendly learning methods.



The intent is to replace external Board examinations with continuous monitoring of the learning levels of children within the classroom itself, to enable timely intervention. Under CCE, marks are replaced by grades, with evaluation of specific learning outcomes. A child is evaluated not only on academic

merit but also extra-curricular activities, both individually and collectively in groups. Capabilities such as innovation and teamwork are also evaluated, apart from other non-academic talents such as music, art and sports and multiple skills such as yoga and life skills, to encourage the all-round personality development of the child. Unfortunately, most states are yet to implement CCE in letter and spirit. Tamil Nadu is the only state that introduced CCE in 2012-13 along with a trimester pattern. Subject-wise activity books were prepared and distributed to all primary and upper primary teachers. Teacher manuals depict grade-appropriate activities for assessment of students. There is much to learn from these new teaching and assessment methods adopted in Tamil Nadu.

Media reports also suggest that within months of the CBSE shifting to a grade rather than marks-based final results system, there have been fewer distress calls to helplines and no instance of suicide in class 10.

## **Learning CCE from Tamil Nadu's Classrooms**

### **Milestone Chart**

In most Tamil Nadu classrooms, there is an innovative milestone chart. It depicts all the necessary competencies that a child needs to accomplish from grade 1 to grade 5; for example, recognition of alphabets, multiplication tables, carry-over subtraction etc. This helps the teacher to evaluate progress and guide each child to achieve the next level of competency at his/her own pace.

### **Activity Trays and Continuous Grading**

Almost all classrooms have a stack of tray racks filled with activity sheets to be completed in the classroom by children. Most of them are innovative. For example, addition is taught with currency notes. The meaning of words is portrayed with photos. Each day the child completes the designated activities in the classroom and is immediately graded by the teacher. This embodies the spirit of comprehensive and continuous evaluation.

### **Student Blackboards**

In several classrooms, the four sides of walls are converted into blackboards with a simple black coat of paint. The wall-blackboard is then divided into segments and each child is assigned his/her slot with her name written in chalk. This innovative idea ensures that each child can freely write on the walls daily. Most children are very possessive of their little bit of wall-space and proudly display their daily work.

### **Festoons**

Children's drawings, sketches and paintings are routinely hung along the ceiling in rows with simple pieces of string like a clothes' line. This gives the classroom a festive atmosphere and helps the teacher to display colourful classroom artwork, periodically change the classroom décor and attract the attention of the children.

To download textbooks taught in Tamil Nadu schools available in 6 languages please see here: [www.textbooksonline.tn.nic.in](http://www.textbooksonline.tn.nic.in)

*Source: Excerpts from field notes in Chennai (Swati Narayan, February 2015)*

## **E. GRIEVANCE REDRESSAL**

The RTE Act is tall on promises. But often the ground realities of classrooms across India are in stark contrast to the commitments spelled out in the law. Since education is now deemed a justiciable “fundamental right”, the Act provides for a variety of measures to address complaints and grievances.

### **28. Which is the appropriate government “authority” for each school?**

As mentioned earlier, education is a concurrent subject under the Indian constitution. Both central and state governments have simultaneous responsibilities.

For the RTE Act, the “appropriate government” to be approached with grievances depends on the type of school. For example, Kendriya Vidyalayas across India are run by the Central Government and therefore the latter is responsible to address grievances. But the state government is responsible for schools managed by them in their jurisdiction. For example, the Himachal Pradesh government is responsible for its own schools across the state.

Further the Act defines a “local authority” as one, which has administrative control over a school or is designated to function as such in a city, town or village. In Delhi, for example, the Municipal Corporation of Delhi is the local authority for government schools with grades 1-5. But for government schools with classes 1-8 or 1-12, the Delhi Government is the local authority. In Mumbai city, on the other hand, the wealthy Brihanmumbai Municipal Corporation as an elected body is

responsible for schools it runs in 8 vernacular languages.

## **29. Are there local grievance redressal mechanisms?**

The first place to address any complaints at the local level, such as teacher absenteeism, is the SMC. As mentioned earlier, it is the role of the SMC to monitor the school and ensure that standards are maintained. However, SMCs are often dysfunctional and meet irregularly.

In that case, the complaint must be progressively raised at three levels. Most state governments have notified block and district level grievance redressal agencies under their respective RTE Rules. Several governments have also adopted a three-tier approach and established a state-level committee.

The Maharashtra government, for example, has defined a detailed nine-step procedure for grievance redressal. All parents, guardians, and institutions or concerned citizens can register grievances through post, fax, email or in person. In turn, the committees have to record the grievances in a register (preferably computerized) and provide a dated acknowledgement. Within 5 days, concerned parties will be contacted and given a fortnight to respond. After giving an opportunity to all parties to be heard, the committee will make a decision within 15 days, which will be binding on all schools in the jurisdiction. Grievances have to be redressed within 3 months in the best interest of the child, with their confidentiality preserved.

### **30. Can we complain to the National and State Commissions?**

Absolutely. Under the Act, the National Commission for Protection of Child Rights (NCPCR) and the State Commissions for Protection of Child Rights (SCPCRs) have been entrusted as independent agencies to monitor children's right to education (Section 31).

The Act designates the State Commission for Protection of Child Rights as the appellate body (Section 32). In Maharashtra government, for example, if anyone is unsatisfied with the lower tiers of the grievance redressal mechanism, they can appeal to the SCPCR within 30 days. The SCPCR in turn will arrange a hearing and has to reach a decision within 45 days.

The NCPCR is the national ombudsman for the RTE Act. It has powers not only to inquire into individual complaints but also to take *suo moto* cognizance of violations of the right to education, for example based on media reports. It also has the powers of a civil court to summon concerned parties and investigate violations. It has a broader mandate to protect child rights defined under the Commissions for Protection of Child Rights Act, 2006.

The RTE Act also mandates the creation of a 15-member National Advisory Council to advise the government on an on-going basis on the implementation of the Act (Section 33).

Some states (such as Karnataka, Madhya Pradesh, Odisha and Rajasthan) have also started helplines where children themselves

can lodge complaints.

### **31. Can we approach the courts?**

Yes. The Right to Education as a “fundamental right”, bolstered by this law, is justiciable. Any violation of children’s right to education can be taken to court, from the lowest civil court to the High or Supreme Court, depending on the nature of complaint. Public Interest Litigations (PILs) can also be filed in cases of large-scale violation of this right.

There has, in fact, been a spate of PILs and progressive judgments by various courts to uphold the right to education. For example, on 1 March 2016 the Allahabad High Court squashed the Uttar Pradesh government’s regressive notifications, potentially enabling six lakh poor children to be enrolled in private schools.

## **F. WHAT CAN WE DO**

Children's rights tend to have a low priority on the political agenda. Raising children's voices and concerns is a collective responsibility. Public action is necessary at all levels – from the corridors of power to remote villages. Everyone can contribute to this effort – parents, teachers, politicians, journalists, bureaucrats, lawyers, activists and all concerned citizens.

There isn't a single formula for what works. Each circumstance requires its own creative mode of action to ensure that children secure their fundamental right to quality education. This section presents a few suggestions and ideas – we leave the rest to your

imagination.

## 32. How do we spread awareness on the right to education?

The first step to claim the right to education is to ensure that people (especially children) are aware of their rights. The fact that 85 per cent of the 1 million seats reserved for underprivileged children in private schools are empty speaks for itself.

Similarly, the fact that corporal punishment is rampant, or that teachers often indulge in private tuitions, are all symptomatic of a lack of awareness of the most basic provisions of the Act. With the rampant commercialization of education, vested interests are also at work to ensure that the law is not implemented in letter and spirit.

On the other side, there is no dearth of spirited attempts to invoke the Act and make good use of it. In a lucid judgement, the Bombay High Court recently pulled up schools and the government for not publicizing the free seats in every neighbourhood before the admission season. In Jharkhand, a parents' association in 2015 set up camps in a number of cities to spread awareness among parents. They also installed complaint boxes at 10 landmarks where parents could submit complaints directly to the district superintendent of education.

The Indian Institute of Management in Ahmedabad has set up a right to education resource centre, which serves as a hub for student volunteers from various institutions to fan out into poor neighbourhoods and spread awareness of the Act before every admission season. Other universities and students' groups are

also replicating this model across college campuses.

Another useful mode of engagement works through helplines and helpdesks. Apart from the official toll-free helplines set up by state governments, several NGOs have started their own helpdesks manned by trained volunteers.

Often, raising awareness of legal entitlements is akin to lighting a spark. One thing leads to another as the flame spreads.

### **33. How do we protest against violations of the law?**

Once children or parents become aware that their rights are being violated, they are eager to complain and protest. The Bhim girls were unstoppable.

### **34. How do we monitor the implementation of the Act?**

Officially, from the SMCs to the NCPCR there is a formal mechanism to monitor the status of the Act. However, civil society initiatives are equally important.

This can be done through informal enquiries (e.g. by visiting the school or enquiring from children), or through formal surveys. A national coalition of civil society organisations, the Right to Education Forum, conducts stock-taking surveys in each state every year to assess the actual level of implementation viz-a-viz norms and standards prescribed in the Act.

Across cities, forums of concerned citizens visit government schools in their locality every week to monitor the quality of education and mid-day meals. In rural areas, apart from the

## Bhim School Girls Raise Their Voice

For 8 long years, the Bhim Girls' Higher Secondary School in Rajsamand district (Rajasthan) had 700 students and only 4 teachers. There was no principal, and no maths or geography teacher. The girls had no one to help them through the syllabus.

Initially they submitted written applications to the local administration, but it was of no avail. So, on Gandhi Jayanti, the students decided to protest outside the sub-divisional magistrate's office. He promised to act within a week. But seeing no sign of progress, the girls held another protest march six days later. Much to their delight, they were assigned four more teachers.

However, two teachers were transferred out within a month, and the head-teacher was suspended as the first rally had been conducted on Swachh Bharat Abhiyan day.

The girls feel discriminated against at every turn. The school has a sanctioned strength of 29 teachers. In comparison, the boys' school in the neighbourhood has 26 teachers for 1000 students. Their parents are of modest means and can't afford private tuitions, but many of their brothers study in private schools.

Neha Kumari, a class X student of another secondary school that has also been holding protests in the same district, describes their predicament. "The schools do not have teachers, so we perform poorly in our exams and fail. So our parents make us stay at home and get us married off at an early age. For us it is a double whammy."

Their slogan is, "We want to study, but there is no-one to teach." The education department admits that more than 40% of government schools in Rajasthan have less than three teachers.

*Source: The Mazdoor Kisan Shakti Sanghatan and various media articles, especially Indian Express, 12 December 2014.*

SMCs, mother's committees can take the initiative to keep tabs on local schools. At the Gram Panchayat level, child protection committees can be formed to monitor the progress of children in the local schools.

Social audits can also be an effective tool not only to gather child-specific education data but also to activate the community and empower it to monitor local schools on a sustained basis.

Most social audits culminate in a “public hearing”. This is a good way of drawing the public's attention to a particular issue, and of putting pressure on local officials to take action. If they don't wake up, various agitations can be considered, such as a rally, *dharna* or *gherao*.

The Shiksha Ka Sawaal campaign in Rajasthan has taken this concept one step further with the mass filing of right to information (RTI) applications. The campaign also made use of Rajasthan's pioneering “Right to Hearing” law, which institutionalizes social audits.

## **Shiksha Ka Sawaal**

Drawing inspiration from the Bhim protests, the *Soochna Evum Rozgar Abhiyan* (a network of civil society organisations working on transparency and accountability) in Rajasthan launched a year-long state-wide “*Shiksha Ka Sawaal*” campaign from March 2015 to February 2016. It covered all schools in the 295 blocks of the state.

The campaign helped villagers and students to file Right to Information (RTI) applications on various aspects: teachers and students, toilets, playgrounds, drinking water, school management committees and school development plans.

The Right of Education Act and Rajasthan’s Right to Hearing Act were also used to file grievances arising from the information sought. This was followed by a “transparency and accountability” *yatra*, which went through each of Rajasthan’s 33 districts.

*Source: Soochna Evum Rozgar Abhiyan.*

## **G. FURTHER RESOURCES**

### *Official websites*

Ministry of Human Resource Development: [mhrd.gov.in/rte](http://mhrd.gov.in/rte)

Rules of the RTE Act: [mhrd.gov.in/rte\\_rules](http://mhrd.gov.in/rte_rules)

District Information System on Education School Report Cards:  
[schoolreportcards.in](http://schoolreportcards.in)

Midday meals: [mdm.nic.in](http://mdm.nic.in)

### *Other websites*

Right to Education Forum India: [rteforumindia.org](http://rteforumindia.org)

RTE Platform: [righttoeducation.in](http://righttoeducation.in)

Right to Education International Project: [right-to-education.org](http://right-to-education.org)

Right to Food Campaign: [righttofoodcampaign.in](http://righttofoodcampaign.in)

25percent: [25percent.in](http://25percent.in)

### *Government helplines*

If you see a child in distress, please call CHILDLINE on **1098**

For any questions or complaints on the right to education, please call: Karnataka 1800-425-34567; Madhya Pradesh 0755-257-0154; Odisha 1800-345-6722; Rajasthan 0141-271-9073.

### *Scholarships*

Minorities: [minorityaffairs.gov.in/prematric](http://minorityaffairs.gov.in/prematric)

Other backward classes, scheduled castes, scheduled tribes, persons with disabilities and “children of those engaged in unclean occupations”: [socialjustice.nic.in](http://socialjustice.nic.in)

Submit applications online: [scholarships.gov.in](http://scholarships.gov.in)

## *Creative Teaching Resources*

NCERT's e-Pathshala videos: [epathshala.nic.in](http://epathshala.nic.in)

Eklavya's magazines for teachers and children:  
[eklavya.in/magazine-activity](http://eklavya.in/magazine-activity)

Arvind Gupta's innovative toys: [arvindguptatoys.com](http://arvindguptatoys.com)

Pratham's Storyweaver in 47 languages: [storyweaver.org.in](http://storyweaver.org.in)

## **About the Author**

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## APPENDIX

### Eligibility criteria for the 25 per cent quota in private schools and free entitlements for admitted children

| State            | Economically Weaker Section Criteria  | Disadvantaged Group Criteria   |
|------------------|---|--|
| Andhra Pradesh   | Backward Castes, Minorities, Other Castes (with annual income below Rs 60,000)          | Scheduled Caste (SC), Scheduled Tribe (ST), Orphans, Migrant children, Street children, Children with special needs, HIV-affected children |
| Bihar            | Children from families with annual income below Rs 2 lakhs                              | SC, ST, Backward Class, Most Backward Class, Minority Religion (annual income below Rs 1 lakh)   |
| Chhattisgarh     | No clear information available in English   | No clear information available in English  |
| Delhi            | Parents with annual income < Rs. 1 lakh and residents of Delhi for at least three years | SC, ST, OBC (non-creamy), Disabled, Orphan   |
| Gujarat          | BPL lists, Rural: annual income < Rs 36,000, Urban: annual income < Rs 27,000           | SC, ST, OBC  |
| Haryana          | BPL families  | Orphan, HIV-affected, Child of war widow   |
| Himachal Pradesh | BPL families  | SC, ST, OBC who are BPL, Disabled  |
| Jharkhand        | BPL families  | Only BPL families, with priority to SC/ST and Minorities   |

|                |   |  |
|----------------|---|--|
| Karnataka      | Other castes and communities apart from disadvantaged groups whose annual income is < Rs. 3.5 lakh  | SC, ST, Backward Classes (defined by Social Welfare department), Category I*, Category II A*, Category II B*, Category III A*, Category III B*, Orphans, Migrant and street children, Child with special needs, HIV-affected children          |
| Kerala         | BPL families  | SC, ST, Families engaged in fishing, coir making, pottery, bamboo work, weaving and other eligible communities defined by state government, Orphans, HIV-infected children, Disabled children, Children above 14 years who are late enrolments |
| Madhya Pradesh | BPL families, Orphaned children   | SC, ST, Families with forest “pattas”, “Vimukt Jati” families, Physically handicapped  |
| Maharashtra    | Vimukta Jatis and Nomadic Tribes (VJNT), Other Backward Classes, Special Backward Classes (SBC), Religious minorities, Parents whose annual income is < Rs 1 lakh | SC, ST, Any other category specified by the state government   |
| Odisha         | BPL families  | SC, ST, Socially and Educationally Backward class, Homeless or destitute children, child labourers, beggars, street children   |
| Punjab         | No clear information available in English   | No clear information available in English  |
| Rajasthan      | BPL families (both Central and State lists), Parents with annual income below Rs 2.5 lakh   | SC, ST, OBC and SBC with annual income below Rs. 2.5 lakhs, Child counted as “person with disability” under PwD Act  |

|   |  |   |
|---|--|---|
| Tamil Nadu  | Annual income of guardian less than Rs 2,00,000  | SC, ST, Socially and educationally backward class/group, Orphan, HIV affected, Transgender, Child of a scavenger  |
| Uttarakhand   | Parents whose annual income is less than Rs 55,000   | SC, ST, Orphans, Child depending on widow or divorced mother with annual income < Rs. 80,000, Disabled or whose parents are disabled, with annual income < Rs. 4.5 lakh, HIV affected children      |
| Uttar Pradesh   | BPL or included in Rural Development Ministry list, Disability/oldage/widow pension, Annual income below Rs 1 lakh | SC, ST, Socially and educationally backward sections, Disabled, Parents with HIV or cancer, Homeless and orphan children  |
| West Bengal   | Below Poverty Line (BPL)   | Proportionate shares in 25%: SC 22%, ST 6%, OBC(A) 10%, OBC(B) 7%, Weaker sections 55%, Preference to BPL among SC/ST/OBCs, if applications exceed availability of seats, 50% reservation for girls |
| Source: www.25per cent.in, www.righttoeducation.in and Department of School Education and Literacy (Ministry of Human Resource Development) <a href="http://mhrd.gov.in/rte_dws">http://mhrd.gov.in/rte_dws</a> |  |   |

If you found this primer useful, please share it with others and help to disseminate it widely. There are many ways of doing this, such as:

- Organising a group discussion on this primer in your village or mohalla.
- Using sections of this primer to make posters or parchas. The posters can be put up in public places such as the local school, anganwadi, Panchayat Bhawan etc.
- Distributing or selling copies of this primer.
- Translating this primer in the local languages (there is no copyright!).

Copies of this Primer, and of other Primers in this series (in English and Hindi), are available from the Secretariat of the Right to Food Campaign – see back cover.

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